

REMARKS

This amendment is responsive to the non-final Office Action of 14 September 2010. Reconsideration and allowance of **claims 3, 4, 12, 14, 16-18, 20-22, and 24-28** are requested.

The Office Action

Claims 3, 4, 12, 14, 16-18, 20-22, and 24-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Seely et al. (U.S. Patent Application Publication 2003/0117296) in view of Zaleski et al (U.S. Patent Application Publication 2003/0101076).

The Claims Distinguish Patentably Over the References of Record

Claims 3, 4, 12, 14, 16-18, 20-22, and 24-28 are patentable over Seely et al. in view of Zaleski et al. The rejection is hereby traversed.

Claim 20 calls for displaying the histogram with the cumulative curve superimposed, the histogram and the cumulative curve having common axes. The Examiner asserts that Seely et al. provides the user with various display options. However, as noted in earlier prosecution of this application, none of the display options noted by the Examiner teach or fairly suggest displaying a histogram with a cumulative curve superimposed and with the histogram and the cumulative curve having common axes and common scales. It is respectfully submitted that neither Seely et al., nor Zaleski et al., nor the combination, teach superimposing a cumulative curve on a histogram with the cumulative curve and the histogram having a common axes.

Accordingly, it is submitted that **claim 20** and **claims 3, 4, 21, and 27** dependent therefrom distinguish patentably and unobviously over the references of record.

Regarding **claim 12**, Seely et al. does not disclose controlling the display device to display the cumulative curve superimposed on the histogram. The Examiner refers Applicant to Figure 5 and 6 of Seely et al. Contrary to the Examiner's assertions, Figures 5 and 6 of Seely et al. do not show a display of a cumulative curve superimposed on a histogram. It is respectfully submitted that neither Seely et al., nor

Zalenski et al, nor the combination teach displaying a cumulative curve superimposed on a histogram.

Accordingly, it is submitted that **claim 12** and **claim 24** dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 22 calls for outputting the cumulative curve superimposed on the histogram as picture signals. Figures 5 and 6 of Seely et al. do not show a display of a cumulative curve superimposed on a histogram as picture signals. It is respectfully submitted that neither Seely et al., nor Zaleski et al, nor the combination teach outputting picture signals that are cumulative curve superimposed on a histogram.

Accordingly, it is submitted that **claim 22** distinguishes patentably and unobviously over the references of record.

Claim 28 calls for a display device controlled to display the cumulative curve superimposed on the histogram as the medical measurement data is received. Contrary to the Examiner's assertion, Seely et al. does not disclose or teach displaying a cumulative curve superimposed on histogram data as the medical measurement data is received. It is respectfully submitted that neither Seely et al., nor Zaleski et al, nor the combination teach superimposing a cumulative curve on the histograms while receiving the measurement data.

Accordingly, it is submitted that **claim 28** and **claims 14, 16-18, 25, and 26** dependent therefrom distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that **claims 3, 4, 12, 14, 16-18, 20-22, and 24-28** distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

If any extensions of time are necessary in connection with this paper, Applicant(s) respectfully request such extension. If any fees are due in connection with this paper, authorization to charge deposit account number 141270 is hereby provided.

Respectfully submitted,

/Thomas M. Lundin/

Thomas M. Lundin
Registration No. 48,979

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OH 44143
PHONE: 440-483-4281
FAX: 440-483-2452